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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,806	03/07/2001	Lawrence D. Vince	GIC-624	9952
20028	7590	12/16/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			HO, CHUONG T	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,806

Applicant(s)

VINCE ET AL.

Examiner

Chuông Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Double Patenting

Claims 1-34 are pending.

1. Claim 1 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 1 of copending Application No. 09/800,835. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: receiving at a transcoder an inbound multiplexed data stream having an all-inclusive PAT (see claim 1, Application No. 09/800,835, page 27, lines 5 - 8), a plurality of predefined multiplexed data stream subgroups (see claim 1, Application No. 09/800,835, page 27, lines 11 - 13), and a plurality of hidden PATs, each hidden PAT identified by a unique packet identifier (PID) and associated with allowable predefined combination of multiplexed data stream subgroups (see claim 1, Application No. 09/800,835, page 27, lines 16 - 17); selecting one hidden PAT corresponding to a desired combination of multiplexed data stream subgroups (see claim 1, Application No. 09/800,835, page 27, lines 21-22); determining the PID makeup of the desired multiplexed data stream subgroups combination from the selected hidden PAT (see claim 1, Application No. 09/800,835, page 27, lines 23 - 26); discarding one or more of the all-inclusive PAT, unused hidden PATs, and any subgroups not contained in the desired multiplexed data stream

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subgroup combination (see claim 1, Application No. 09/800,835, page 28, lines 1 - 8); re-mapping the selected hidden PAT to a predetermined PID (see Application No. 09/800,835, page 28, lines 6 - 7); outputting the re-mapped PAT from the transcoder with the desired multiplexed data stream subgroup combination (see Application No. 09/800,835, page 28, lines 10 - 12).

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

2. Claim 2 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 2 of copending Application No. 09/800,835 (see claim 2, Application No. 09/800,835, page 28, lines 13 - 15).

3. Claim 4 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 4 of copending Application No. 09/800,835 (see claim 4, Application No. 09/800,835, page 28, lines 19 - 21).

4. Claim 5 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 5 of copending Application No. 09/800,835 (see claim 5, Application No. 09/800,835, page 29, lines 3 - 5).

5. Claim 6 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 6 of copending Application No. 09/800,835 (see claim 6, Application No. 09/800,835, page 29, lines 6 - 8).

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6. Claim 7 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 7 of copending Application No. 09/800,835 (see claim 7, Application No. 09/800,835, page 29, lines 9 - 10).

7. Claim 8 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 8 of copending Application No. 09/800,835 (see claim 8, Application No. 09/800,835, page 29, lines 11 - 13).

8. Claim 9 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 9 of copending Application No. 09/800,835 (see claim 9, Application No. 09/800,835, page 29, lines 14 - 16).

9. Claim 10 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 10 of copending Application No. 09/800,835 (see claim 10, Application No. 09/800,835, page 29, lines 17 - 18, page 30, lines 1-5).

10. Claim 11 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 11 of copending Application No. 09/800,835 (see claim 11, Application No. 09/800,835, page 30, lines 14 - 15).

11. Claim 12 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 12 of copending Application No. 09/800,835 (see claim 12, Application No. 09/800,835, page 30, lines 16 - 18).

12. Claim 13 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 13 of copending Application No. 09/800,835 (see claim 13, Application No. 09/800,835, page 30, lines 19 - 21).

13. Claim 14 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 14 of copending Application No. 09/800,835 (see claim 14, Application No. 09/800,835, page 31, lines 1 - 3).

14. Claim 17 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 22 of copending Application No. 09/800,835. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a transcoder for receiving an inbound multiplexed data stream having: an all-inclusive PAT (see claim 22, Application No. 09/800,835, page 32, lines 19 - 23), a plurality of predefined multiplexed data stream subgroups (see claim 22, Application No. 09/800,835, page 33, lines 2 - 4), and a plurality of hidden PATs, each hidden PAT identified by a unique packet identifier (PID) and associated with allowable predefined combination of multiplexed data stream subgroups (see claim 22, Application No. 09/800,835, page 33, lines 5 - 8); the processor is configured to select one hidden PAT corresponding to a desired multiplexed data stream subgroup combination (see claim 33, Application No. 09/800,835, page 33, lines 20-22); the processor determine the PID makeup of the desired multiplexed data stream subgroup combination from the selected hidden PAT (see claim 22, Application No. 09/800,835, page 33, lines 23 - 26); a processor

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discards one or more of the all-inclusive PAT, unused hidden PATs, and any subgroups not contained in the desired multiplexed data stream subgroup combination (see claim 22, Application No. 09/800,835, page 34, lines 1 - 5); the processor causes the transcoder to re-mapping the selected hidden PAT to a predetermined PID (see claim 22, Application No. 09/800,835, page 34, lines 6 - 7); the transcoder outputs the re-mapped PAT with the selected multiplexed data stream subgroup combination (see Application No. 09/800,835, page 34, lines 11 - 13).

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

15. Claim 18 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 23 of copending Application No. 09/800,835 (see claim 23, Application No. 09/800,835, page 34, lines 14 - 16).

16. Claim 21 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 26 of copending Application No. 09/800,835 (see claim 26, Application No. 09/800,835, page 35, lines 3 - 5).

17. Claim 22 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 27 of copending Application No. 09/800,835 (see claim 27, Application No. 09/800,835, page 35, lines 6 - 8).

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18. Claim 23 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 28 of copending Application No. 09/800,835 (see claim 28, Application No. 09/800,835, page 35, lines 9 - 10).

19. Claim 24 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 29 of copending Application No. 09/800,835 (see claim 29, Application No. 09/800,835, page 35, lines 11 - 13).

20. Claim 25 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 30 of copending Application No. 09/800,835 (see claim 30, Application No. 09/800,835, page 35, lines 14 - 16).

21. Claim 26 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 31 of copending Application No. 09/800,835 (see claim 31, Application No. 09/800,835, page 35, lines 17 - 18, page 36, lines 1-6).

22. Claim 27 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 32 of copending Application No. 09/800,835 (see claim 32, Application No. 09/800,835, page 36, lines 14 - 15).

23. Claim 28 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 33 of copending Application No. 09/800,835 (see claim 33, Application No. 09/800,835, page 36, lines 16 - 18).

24. Claim 29 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 34 of copending Application No. 09/800,835 (see claim 34, Application No. 09/800,835, page 36, lines 19 - 21).

25. Claim 30 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 35 of copending Application No. 09/800,835 (see claim 35, Application No. 09/800,835, page 37, lines 1 - 3).

26. Claim 32 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 42 of copending Application No. 09/800,835 (see claim 42, Application No. 09/800,835, page 38, lines 7 - 14).

27. Claim 33 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 43 of copending Application No. 09/800,835. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: receiving a plurality of multiplexed data stream subgroups (see claim 43, Application No. 09/800,835, page 38, lines 17 - 18), creating an all-inclusive PAT describing all services contained in the plurality of data stream subgroups (see claim 43, Application No. 09/800,835, page 38, lines 19 - 22), creating for each defined combination of data stream subgroups a hidden PAT identified by a unique PID, each hidden PAT describing the service contained in defined combination of data stream subgroups (see claim 43, Application No. 09/800,835, page 39, lines 7 - 11); combining all-inclusive PAT, hidden PATs, and

data stream subgroups to create a multiplexed data stream (see claim 43, Application No. 09/800,835, page 39, lines 15-18);

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

28. Claim 34 (Application No. 09/800,806) is provisionally rejected under the judicially created doctrine of double patenting over claim 44 of copending Application No. 09/800,835. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: an encoder; and a processor associated with the encoder (see claim 44, Application No. 09/800,835, page 39, lines 21 - 23), the encoder receives a plurality of multiplexed data stream subgroups (see claim 44, Application No. 09/800,835, page 40, lines 1 - 3), the processor generates an all-inclusive PAT describing all the services contained in the plurality of data stream subgroups (see claim 44, Application No. 09/800,835, page 40, lines 4 - 7); the processor defines a plurality of data stream subgroup combinations (see claim 44, Application No. 09/800,835, page 40, lines 12-13); the processor creates for each defined combination of data stream subgroups a hidden PAT identified

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by a unique PID, each hidden PAT describing the service contained in defined combination of data stream subgroups (see claim 44, Application No. 09/800,835, page 40, lines 13-17); the encoder combines all-inclusive PAT, hidden PATs, and data stream subgroups to create a multiplexed data stream (see claim 44, Application No. 09/800,835, page 40, lines 22-25) .

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong ho whose telephone number is (571)272-3133. The examiner can normally be reached on Monday-Friday from 8:00AM-4:00PM.

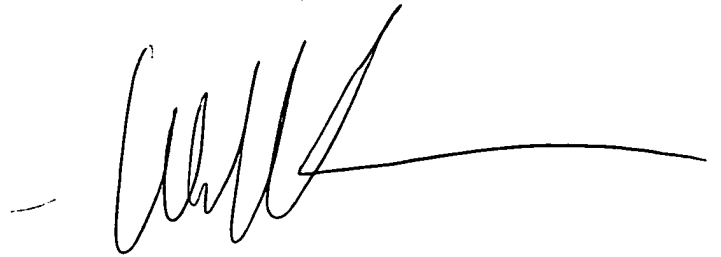
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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